

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1493

IN THE MATTER OF:

Served February 3, 1976

Application of BANNISTER ENTER-)
PRISES, INC., for Temporary)
Authority to Perform Charter)
Operations Pursuant to Contract)

Application No. 904

By Application No. 904, filed January 20, 1976, Bannister Enterprises, Inc. (BEI) seeks temporary authority, pursuant to Title II, Article XII, Section 4(d)(3), to transport passengers, together with their baggage, over irregular routes, between a point or points at or near the Colonial Parking Garage on the southeast corner of the intersection of North Capitol and E Streets, N. W., in the District of Columbia, and a point or points at or near the railroad station now known as the Washington Union Station, located in the District of Columbia, serving no intermediate points.

The proposed transportation service would be performed pursuant to an agreement between BEI and Amtrak dated December 12, 1975. The agreement would require BEI to provide the proposed transportation service for a period of twelve months or until such time as either party shall give written notice of termination to be effective in thirty days.

The proposed service would consist of rendering shuttle bus service between an Amtrak designated point at Washington Union Station and the Colonial Parking Garage at 400 North Capitol Street, N. W., Washington, D. C. BEI would provide the proposed service seven days a week between the hours of 5:30 A. M. and 2:00 A. M. Amtrak would advise BEI of the need for shuttle service by providing a timetable listing the arrival and departure schedules of trains. Amtrak would compensate BEI at the rate of \$4,202.70 per month for the seven day per week shuttle service between 5:30 A. M. and 2:00 A. M. For shuttle services provided at other times, Amtrak would compensate BEI at the rate of \$6.95 per hour. Passengers would not be charged per capita fares for the proposed service. BEI would perform the proposed service in a minibus with 23-passenger or less seating capacity.

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant an applicant temporary authority to provide a specific service upon the finding that there is an immediate

and urgent need to a point or points within a territory having no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

BEI contends that there is an immediate and urgent need for the proposed service and that no existing carrier is capable of rendering the precise shuttle service. As support for its contentions, BEI submitted correspondence between Amtrak and BEI. The correspondence indicates that Amtrak can no longer offer valet parking services for rail passengers departing from Washington, D. C., due to the construction at the Washington Union Terminal. The valet parking garage adjacent to the terminal building apparently has been eliminated to accommodate the construction of the National Visitor's Center. The resulting lack of valet parking at the station has proven to be inconvenient to rail passengers departing Washington, D. C., who now are forced to park several blocks from the station. Amtrak seeks to reduce the level of inconvenience by providing rail passengers a shuttle service between the station and the designated parking area. In an effort to accommodate the rail passengers, Amtrak has entered the agreement with BEI.

The Commission believes that BEI should be granted temporary authority. The Commission finds that there is an immediate and urgent need for the proposed service. The Commission further finds that there is no carrier service capable of meeting this specific need other than BEI. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

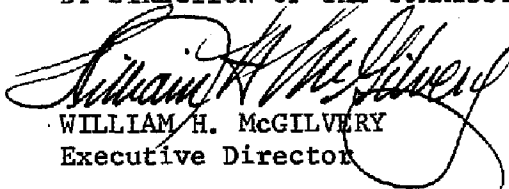
THEREFORE, IT IS ORDERED:

1. That Application No. 904 of Bannister Enterprises, Inc., be, and it is hereby, granted.
2. That Bannister Enterprises, Inc., be, and it is hereby, granted temporary authority to transport passengers, together with their baggage, over irregular routes, between a point or points at or near the Colonial Parking Garage on the southeast corner of the intersection of North Capitol and E Streets, N. W., in the District of Columbia, and a point or points at or near the railroad station now known as the Washington Union Station, located in the District of Columbia, serving no intermediate points, pursuant to a contract with Amtrak dated December 12, 1975.
3. That Bannister Enterprises, Inc., be, and it is hereby, required to file forthwith an appropriate tariff pursuant to the temporary operating authority granted herein to be effective February 9, 1976.

4. That Bannister Enterprises, Inc., be, and it is hereby, required to file forthwith, two copies of its contract to provide the service authorized herein pursuant to Regulation 56-03.

5. That unless otherwise provided by order of the Commission, the temporary authority granted herein shall become effective February 9, 1976, and shall continue through August 6, 1976, unless otherwise ordered by the Commission.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director

